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46



October 9, 2003

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Mail Stop Patent Application
Commissioner for Patents
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Alexandria, VA 22313-1450

Re: Patent Application No. 10/623,432
For: Compositions Related to a Novel Endophytic Fungi
and Methods of Use
MH&A Reference No.: 34373-0007

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Dear Sir/Madam:

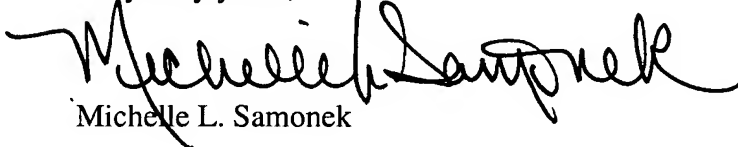
Enclosed are the following:

- (1) Declaration for the above-referenced patent application signed by the inventors;
- (2) Check in the amount of \$65.00 to cover the cost to submit the Declaration after the initial filing of the patent application; and
- (3) Return postcard.

You are hereby authorized to charge Deposit Account No. 50-2767 any additional fees that may be required by this paper and to credit any overpayment to that account.

If you have any questions, please do not hesitate to contact me.

Very truly yours,


Michelle L. Samonek

MLS:kvp
Enclosure

118298v1 34373/0007

10/17/2003 SSESHE1 00000122 10623432 65.00 0P
01 FC:2051

10/14/2003

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number 34373/007

First Named Inventor Strobel, G.

COMPLETE IF KNOWN

Application Number 10/623,432

Filing Date 07/17/2003

Art Unit

Examiner Name

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Compositions Related to a Novel Endophytic Fungi and Methods of Use

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 07/17/2003 as United States Application Number or PCT International

Application Number 10/623,432 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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DECLARATION — Utility or D sign Patent Application

Direct all correspondence to: <input type="checkbox"/>		Customer Number or Bar Code Label <input style="width: 150px;" type="text"/>		OR <input checked="" type="checkbox"/>		Correspondence address below	
Name Michelle L. Samonek							
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<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>							
NAME OF SOLE OR FIRST INVENTOR :				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name Gary A. (first and middle [if any])				Family Name Strobel or Surname			
Inventor's Signature <i>Gary A Strobel</i>						Date 8/29/03	
Residence: City Bozeman			State MT		Country US		Citizenship US
Mailing Address 2107 Fairway Drive							
City Bozeman			State MT		ZIP 59715		Country US
NAME OF SECOND INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name Denise Carol (first and middle [if any])				Family Name Manker or Surname			
Inventor's Signature						Date	
Residence: City Davis			State CA		Country US		Citizenship US
Mailing Address 3037 Prado Lane							
City Davis			State CA		ZIP 95616		Country US
<input checked="" type="checkbox"/> Additional inventors are being named on the <u>2</u> supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.							

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☐ Customer Number OR ☒ Correspondence address below

Michelle L. Samonek
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR : ☐ A petition has been filed for this unsigned inventor

Gary A.
Given Name
(first and middle [if any])

Strobel
Family Name
or Surname

Inventor's
Signature

Date

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Residence: City

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US
Country

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NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor

Denise Carol
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(first and middle [if any])

Manker
Family Name
or Surname

Inventor's
Signature

Date

Davis
Residence: City

CA
State

US
Country

US
Citizenship

Mailing Address 3037 Prado Lane

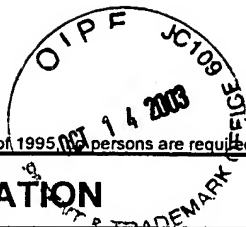
Davis
City

CA
State

95616
ZIP

US
Country

☒ Additional inventors are being named on the 2 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.



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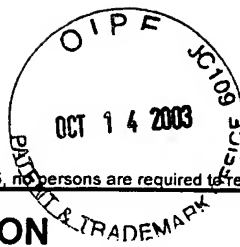
PTO/SB/02A (05-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet	Page <u>1</u> of <u>2</u>
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Nam of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Julien		Mercier	
Inventor's Signature <i>Julien Mercier</i>		Date <i>08/11/03</i>	
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Citizenship Canada			
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Mailing Address			
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		Zip	94703
		Country	US
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Jorge		Jimenez	
Inventor's Signature <i>Jorge Jimenez</i>		Date <i>8/7/2003</i>	
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Panama Citizenship			
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Mailing Address			
City	Sacramento	State	CA
		Zip	95818
		Country	US
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
John		Lin	
Inventor's Signature <i>Jim-Gee Lin</i>		Date <i>8/11/03</i>	
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		Country	US
Citizenship US			
Mailing Address 271 Lyman Circle			
Mailing Address			
City	Sacramento	State	CA
		Zip	95835
		Country	US

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DECLARATION**ADDITIONAL INVENTOR(S)**
Supplemental SheetPage 2 of 2

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Jonathan		Thurston	
Inventor's Signature <i>Jonathan Thurston</i>		Date 8/11/03	
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Citizenship US			
Mailing Address 2431 L Street			
Mailing Address			
City	Sacramento	State	CA
		Zip	95816
		Country	US
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Barry		Kersting	
Inventor's Signature <i>Barry Kersting</i>		8/11/03	
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City	Davis	State	CA
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Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	
		Country	
Citizenship			
Mailing Address			
Mailing Address			
City		State	
		Zip	
		Country	

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